United Nations CRPD/C/BEL/Q/1

Convention on the Rights of Persons with Disabilities

Distr.: General
12 May 2014
English
Original: French

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Belgium*

A. Purpose, definitions, general principles and general obligations (arts. 1–4)

1. The State party's report (CRPD/C/BEL/1) refers to the criteria for recognition of the existence of disability without describing them. The Committee wishes to know what criteria are used in Belgium for recognizing the existence of disability.

2. The report addresses the issue of reasonable accommodation without detailing the measures taken in this regard. The Committee wishes to know whether Belgium recognizes the concept of reasonable accommodation.

3. The State party is requested to provide analytical and comparative data on the effectiveness of the specific measures taken to combat discrimination against persons with disabilities and on the progress achieved towards ensuring the exercise of all the rights set forth in the Convention.

4. The Committee would appreciate details of the involvement and participation of persons with disabilities in decision-making processes, in particular in the Flemish Region, where there is no regional council.

B. Specific rights

Equality and non-discrimination (art. 5)

5. What is the situation of foreign children with disabilities, and what action has been taken to assist them?

Women with disabilities (art. 6)

6. Young girls and women with disabilities are reportedly twice as likely to be victims of sexual violence and abuse as women without disabilities. The Committee requests the State party to indicate what strategy has been adopted to address the problem.

* Adopted by the pre-sessional working group at its first session (14–17 April 2014).

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Children with disabilities (art. 7)

7. To what extent can children with disabilities freely express their views on all issues affecting them and, in order to exercise this right, receive adequate assistance, suited to their disabilities and age?

Awareness-raising (art. 8)

8. The Committee wishes to obtain information on the strategy that is to be implemented to raise awareness of the situation of persons with disabilities and to promote respect for their rights and dignity.

Accessibility (art. 9)

9. What positive achievements have been made in the area of accessibility in Belgium, particularly within the framework of the strategic plan for 2008–2012?

10. What measures have been taken to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet, for a reasonable cost?

Equal recognition before the law (art. 12)

11. Is the new law reforming legal incapacity regimes and establishing a new protection status that is consistent with human dignity, which will enter into force on 1 September 2014, in conformity with the Convention?

Access to justice (art. 13)

12. What training programmes are available for all judicial and prison system personnel with regard to the content of the Convention?

13. The Committee wishes to know whether any complaints relating to the accessibility of court buildings have been lodged with the Buildings Authority.

Liberty and security of the person (art. 14)

14. What guarantees are in place to ensure access to justice prior to detention for persons with disabilities who are accused of having committed an offence?

Freedom from exploitation, violence and abuse (art. 16)

15. What action has been taken on the recommendations of the Committee against Torture concerning the cruel treatment and abuse faced by persons with disabilities, particularly women and girls?

16. When does the State party intend to outlaw the use of chemical, mechanical and physical restraint in psychiatric institutions?

Protecting the integrity of the person (art. 17)

17. Please inform the Committee in which cases and under what conditions treatment or institutionalization may be imposed, despite the refusal of the person concerned, and whether any remedies are provided.

18. The Committee wishes to know when the State party will prohibit the sterilization of women and young girls with disabilities without their informed consent.

Living independently and being included in the community (art. 19)

19. In Flanders, the number of urgent requests for personal assistance has doubled in the last five years, with increasingly lengthy waiting lists. The Committee would appreciate information on the solutions envisaged in response to this situation.

20. The Committee would like to know what steps have been taken to pursue a policy of deinstitutionalization.

Education (art. 24)

21. What measures have been taken to implement inclusive education and to adopt regulations on reasonable accommodation?

22. The Committee wishes to be provided with data, disaggregated by area of residence (rural or urban) and by gender, on the percentage of children and adolescents with disabilities who attend special schools, those who attend reasonably accommodated mainstream schools, and those who are unable to attend school as a result of their disability.

23. The Committee requests information on the formalities to be observed in the event of a refusal to enrol a child with disabilities in a mainstream school and on the available remedies and procedures.

Work and employment (art. 27)

24. The Committee would like to be informed whether private-sector firms in Belgium are subject to a hiring requirement in the form of a quota, and to what extent the quota for the public sector is being applied.

25. It appears that the recent reform of the policy on unemployment benefits will put persons with disabilities at a disadvantage from 2015. The Committee would appreciate information on the matter.

26. The Committee wishes to know whether measures have been taken in Belgian labour law to ensure reasonable accommodation at the workplace and to prohibit discrimination on grounds of disability in employment.

Participation in political and public life (art. 29)

27. The Committee would like to know when Belgium plans to allow all persons with disabilities to exercise all their political rights.